

2023 NEW LEGISLATION

CLERK OF THE CIRCUIT COURT MEETING JUNE 2023

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SENATE BILL 65 ELECTED OFFICERS TRAINING FUND

- Effective 7/1/23 - amends IC 36-2-7-19
- Adds to subsection (e) “Upon determination by a county fiscal body that money in the fund exceeds the amount necessary to fund the expenses specified under subdivisions (1) and (2), the county treasurer may, not later than December 31, 2023, transfer the excess money to the county recorder’s record perpetuation fund established under section 10(f) of this chapter.”



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SENATE BILL 106 LOCAL POWERS CONCERNING ELECTIONS

- Effective 1/1/24 - amends IC 36-1-3-8
- Changes subsection (a)(12) “The power to adopt an ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2, or otherwise conduct an elections, except as expressly granted by statute. An ordinance, a resolution, or an order concerning an election described by IC 3-5-1-2 that was adopted before January 1, 2023, is void unless a statute expressly granted the unit the power to adopt the ordinance, resolution, or order.



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SB 183 UNCLAIMED PROPERTY MATTERS

- Amends IC 32-34-1.5-3 and is effective 7/1/23 to define gift cards
- Amends IC 32-34-1.5-4 and is effective 7/1/23 to change property held by the court after 3 years after the property becomes distributable (replaces the current 1 year) in determining abandoned property
- Amends IC 32-34-1.5-18 and is effective 7/1/23 and requires reporting to the attorney general to be done electronically.



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SENATE BILL 314 ADDRESS CONFIDENTIALITY

- Effective 7/1/23 and amends IC 36-1-8.5-2
- Covered persons – changed “a victim of domestic violence” to “an address confidentiality program participant” and adds any person who resides in the same household...
 - This applies to a public property data base web site which is a web site that is available to the general public over the internet, does not require online registration, subscription or the creation of a username and password to search the website and connects a covered person’s name to that person’s home address in a way that a search of the name would disclose the address.



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SENATE BILL 317 CONTRACTING AND PURCHASING

- Effective 7/1/23 and amends IC 5-11-10-1.6
- Allows for advance payments to contractors to allow them to purchase materials needed for public works projects. The solicitation for the public works contracts must include:
 - That the political subdivision will make advance payments to contractors to enable the purchase of materials.
 - Any limitations on the amount of the advance payment that will be made
 - Requirements for documentation relating to making advance payments to contractors for materials
 - Any other information about advance payment for materials that the county considers useful to contractors that make offers.



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SENATE BILL 317 CONTRACTING AND PURCHASING

- Allows for advance payments on goods and services, If
 - County Council authorizes making advance payments
 - Prepayments are tracked by defining the prepayment on a purchase order
 - A prepayment invoice is created that is associated with the purchase order
 - An insurance or surety bond in the amount of the prepayment is required if the prepayment is more than \$150,000.

- Advance payments can't exceed 50% of the of the entire cost or \$2,000,000



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SB 417 VARIOUS TAX MATTERS

- Adds IC 6-3.6-6-2.9 and is effective 7/1/23
- Authorizes a county to impose a local income tax (LIT) rate for county staff expenses of the state judicial system in the county.
- Rate may not be in effect for more than 25 years
- The expenses paid by the LIT rate can't exceed 50% of the county's total budgeted operational staffing expenses.
- Requires an annual report to the justice reinvestment advisory council by May 1



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HB 1001 BUDGET BILL

- Amends IC 4-7-1-1 and is effective 7/1/23 – The Auditor of State shall use the title “State Comptroller”
- Amends IC 33-37-7-2 and is effective 7-1-23 – The pro bono legal services fee will be sent semiannually to the State Comptroller for deposit into the new Pro Bono Legal Services fund under IC 33-37-5-34.



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HOUSE BILL 1040 REQUIREMENT FOR ELECTED OFFICIALS

- Effective 1/1/24 and amends IC 5-11-1-9 for “unauditable units”
- Effective 1/1/24 and amends IC 5-11-14-1 for attendance at state board of accounts called conferences. Attendance will be taken and published on SBOA website. You must attend once conference every two years.
- Effective 1/1/24 and amends IC 33-32-2-9 to require the Clerk of the Circuit Court to certify completion of the requirements for continuing education hours each year and file the certification with the state board of accounts. .



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HOUSE BILL 1212 PRIVACY PROTECTION OF NONPROFIT ORGANIZATIONS

- Effective 7/1/23 and creates a new chapter IC 23-17-32
- Prohibits a public agency from requiring a person or nonprofit to provide personal information
- Prohibits a public agency from releasing, publicizing or publicly disclosing personal information in its possession
- Prohibits requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the current or prospective contractor or grantee has provided financial or nonfinancial support.



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HOUSE BILL 1334 ABSENTEE VOTERS

- Effective 7/1/23 and amends IC 3-11-4-2
- Personal information reported on an application for absentee voting will need to be redacted if information is requested under a public records request under IC 5-14-3
- Effective 7/1/23 and adds a new section IC 3-11-4-17.6
- Information provided through BMV records would also need to be redacted if information is requested through a public records request.



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HB 1335 VARIOUS ELECTION MATTERS

- Effective 7/1/23 and amends IC 3-10-4-6.5 on certifying an election
- Effective 7/1/23 and amends IC 3-6-4.2-14 on meetings called by the Election Division
 - Repeals the language for meetings called before 1/1/22.



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HB 1336 VARIOUS ELECTION MATTERS

- Effective 7/1/23 and amends IC 3-5-2-49.3 to add to the definition of Uniformed Services –the Space Force
- Effective 7/1/23 and amends IC 3-5-4-1.7 and allows for electronic signatures for campaign finance statements and reports
- Effective 7/1/23 and amends IC 3-5-9-5 to include that an individual is considered to have resigned as (2) an elected official of the unit when the individual becomes a government employee of the unit.



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HOUSE BILL 1466 JUROR COMPENSATION

- Effective 7-1-23 and amends IC 33-37-5-19
- Jury fee is increased to \$6
- New section IC 33-37-5-19.5 to collect a \$75 jury fee from a party filing a civil tort action or civil plenary action.
- Amends IC 33-37-10-1 effective 7-1-23 that daily rate until jury is impaneled is increased to \$30 per day and \$80 per day for each day the jury is impaneled through the fifth day of the trial when the daily rate increases to \$90 per day from the sixth day until discharge.



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HB 1493 ELIMINATION OF COSTS AND FEES IN JUVENILE COURT

- Effective 7/1/23 and amends IC 31-40-1-3 to show that a parent is presumed indigent unless a court makes a specific finding that states otherwise for costs to DCS.
- Effective 7/1/23 and amends IC 31-40-1-3.5 – that a juvenile court may not order the parent to reimburse DOC unless there is a specific finding the parent is able to pay.
- Effective 7/1/23 and amends IC 33-23-6-2 on alternative dispute resolution funds. Adds to the use of the funds – guardian ad litem services. The court must now make a determination that participation in services provided does not pose an unreasonable risk of harm to any party.



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HB 1493 ELIMINATION OF COSTS AND FEES IN JUVENILE COURT

- Effective 7-1-23 and amends IC 33-37-5-21.2 – the \$5 public defense administration fee does not apply to a child alleged to be a delinquent child.
- Effective 7/1/23 and amends IC 33-40-3-6 on the supplemental funding for public defender services - to state that the court cannot require payment for costs and legal fees for a child alleged to be a delinquent child.



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HOUSE BILL 1578 COVERED PERSONS FOR RESTRICTED ADDRESSES

- Effective 7/1/23 and amends IC 36-1-8.5-1
- Adds to the definition of “covered person” – regular, paid firefighter or a volunteer firefighter (as defined in IC 36-8-12-2).



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